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**APR 05 2007**

## **FAX COVER SHEET**

**TO** Commissioner of Patents

**COMPANY** USPTO

**FAX NUMBER** 15712738300

**FROM** Nancy Lord

**DATE** 2007-04-05 17:08:21 GMT

**RE** 10/823,175

## **COVER MESSAGE**

Attached please find Request for Continued Examination or  
Application No. 10/823,175:

Transmittal

Fee Transmittal

Credit Card Form

Request for Continued Examination

Copy of Advisory Action

Nancy Lord

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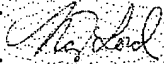
PTO/SB/21 (09-06)


Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	10/823,175
	Filing Date	April 13, 2004
	First Named Inventor	Mary J. Ruwart
	Art Unit	1655
	Examiner Name	Susan McCormick Ewoldt
Total Number of Pages in This Submission	Attorney Docket Number	RUW-001

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks Request for Continued Examination		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Nancy Lord, Ltd		
Signature			
Printed name	Nancy Lord		
Date	April 5, 2007	Reg. No.	45,462

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in a _____ to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Nancy Lord	Date	April 5, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/17i (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

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**PROCESSING FEE****Under 37 CFR 1.17(i)****TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/823,175
Filing Date	April 13, 2004
First Named Inventor	Mary J. Ruwart
Art Unit	1655
Examiner Name	Susan McCormick Ewoldt
Attorney Docket Number	RUW-001

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CENTRAL FAX CENTER****APR 05 2007****Enclosed is a paper filed under 37 CFR 1.103(c) that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 395.00 is enclosed.**

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. \_\_\_\_\_:☐ processing fee under 37 CFR 1.17(i) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.

§ 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.

§ 1.48 - for correcting inventorship, except in provisional applications.

§ 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.

§ 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).

§ 1.55 - for entry of late priority papers.

§ 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods

§ 1.99(e) - for processing a belated submission under § 1.99.

§ 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).

§ 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).

§ 1.103(d) - for requesting deferred examination of an application.

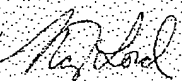
§ 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.

§ 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**

§ 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.

§ 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.

§ 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.



Nancy Lord

Signature

Typed or printed name

April 5, 2007

Date

45,462

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	Application No. 10/823,175 <hr/> Examiner Susan McCormick-Ewoldt	Applicant(s) RUWART, MARY J. <hr/> Art Unit 1655
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-The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

THE REPLY FILED 20 November 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   
 (b) ☐ They raise the issue of new matter (see NOTE below);
   
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the now or amended claims would be rejected is provided below or appended.
   
 The status of the claim(s) is (or will be) as follows:
   
 Claim(s) allowed: \_\_\_\_\_
   
 Claim(s) objected to: \_\_\_\_\_
   
 Claim(s) rejected: 1 and 3-17
  
 Claim(s) withdrawn from consideration: \_\_\_\_\_


**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
   
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
   
 10. ☐ If other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**RECONSIDERATION/OTHER**

11. ☐ For reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_

12. ☐ Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

  
 Christopher R. Tate  
 Primary Examiner  
 Art Unit: 1655

Continuation Sheet (PTOL-303)

Continuation of 3. NOTE: the amended claims would require further consideration and/or search.

Application No.